

# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, NOVEMBER 04, 2014  
Closed Session – 9:00 a.m.  
Regular Meeting – 10:00 a.m.

MERCED COUNTY  
ADMINISTRATION BUILDING  
2222 “M” STREET  
BOARD ROOM, THIRD FLOOR  
MERCED, CALIFORNIA 95340  
(209) 385-7366

JOHN PEDROZO.....DISTRICT 1  
HUBERT “HUB” WALSH, JR....DISTRICT 2  
LINN DAVIS.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
CHAIRMAN JERRY O’BANION.....DISTRICT 5

JAMES L. BROWN  
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340  
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

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The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative action and usually are approved by a single vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

9:00 A. M.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA-  
TESTIMONY IS LIMITED TO THREE MINUTES PER PERSON**

**CLOSED SESSION - CONFERENCE WITH REAL PROPERTY**

**NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Dana Hertfelder, Public Works Director pursuant to Government Code Section 54956.8 as follows:

**Property:** APNs 052-300-011 and 052-300-012 Adjacent to Yosemite Lake

**Negotiator:** Dana Hertfelder, Public Works Director

**Under Negotiation:** To request authority to obtain property appraisal values

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING**

**LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Two cases: 1) State of California, et al., ex rel. David Sherwin v. Office Depot Case No. 2:12-cv-09952-FMO(AJWx); 2) Ricardo Olguin v. County of Merced, et al. Case No. CV002971

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT  
10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN  
ADVISED STAFF WAS GIVEN DIRECTION.**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA  
ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC  
INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON**

**THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS** (Testimony limited to three minutes per person)

**REVIEW BOARD ORDER – SEE PAGE 8**

**PRESENTATIONS:**

- 1) Water Update  
**Supervisor Pedrozo, Supervisor Walsh, and County Executive Officer James Brown provide brief Water Update and state that there will be a presentation at the meeting of November 25, 2014, with possible request for direction on details of a proposed Ordinance.**
  
- 2) Merced County Office of Education Annual Williams Report 2014/2015: School review of Dos Palos-Oro Loma Joint Unified, Gustine, Hilmar Unified, Le Grand Elementary, Le Grand High, Los Banos Unified, Merced City, Planada and Winton School Districts by Steven E. Gomes, County Superintendent of Schools (as required by Education Code Section 1240(c)(2)(B) pursuant to Williams Settlement)  
**Merced County Superintendent of Schools Steven E. Gomes addresses the Board regarding the Annual Williams Report 2014/2015.**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 14)

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-14)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Set Public Hearing for December 9, 2014 at 10:00 A.M. to consider adoption of a proposed Resolution for the General Vacation of a portion of an Alley in the Planada area; and direct Public Works to publish and post the Notice of Vacation.
2. Set a Public Hearing for December 9, 2014 at 10:00 A.M. to consider amending an Ordinance for Refuse Service Fees and Charges for County Solid Waste Franchise Areas 1 through 5 (Amends Ordinance No. 1914 and Chapter 5.90 of Merced County Code).
3. Adopt Resolution authorizing the Chairman to execute the easement deed conveying an easement to Pacific Gas and Electric Company (PG&E) as required for the Walnut Avenue Rule 20A Undergrounding Project.

**ADOPTED RESOLUTION NO. 2014-109**

Mental Health

4. Approve and authorize the Chairman to sign Amendment Contract No. 2013223 with Dr. John M. Yarbrough, M.D., M.B.A., for psychiatric services, increasing the number of service hours and increasing the total contract amount by \$6,000 to FY 14/15; return to the Board

for further action once the vacant Staff Psychiatrist position is filled; and approve the related budget transfer.

#### Community & Economic Development

5. Approve and authorize the Chairman to sign Addendum No. 5 Contract No. 200163 with University of California, Merced for lease of Castle Buildings 1200 & 1201.
6. Approve and authorize the Chairman to sign Addendum 1 Contract No. 2004332 with University of California, Merced for lease of Telecommunications Conduit.

#### Fire

7. Approve the continuation of the proclamation of the existence of a local emergency due to drought.

#### District Attorney

8. Approve budget transfer in the amount of \$12,915 to purchase updated equipment for the Gang Task Force unit.
9. Approve and authorize the District Attorney to sign Renewal Contract No. 2006234 with Calif. Dept. of Insurance for participation in the Automobile Insurance Fraud Program and to receive grant funds in the amount of \$71,658 for FY 14/15; and adopt the resolution.

#### **ADOPTED RESOLUTION NO. 2014-110**

#### Workforce Investment

10. Accept Modification One to (Contract No. 11754) adding \$15,000 and extending the duration of the Enterprise Zone Coordination Services agreement with Mr. Dave Heyer by two months to February 28, 2015 and close out the Enterprise Zone program in Merced County.
11. Accept Modification Four to Contract No. 2012177 (Subgrant No. K386306) Workforce Investment Act funds in the amount of \$350,000 for the Merced Dislocated Worker Additional Assistance project.
12. Accept Modification Four to Contract No. 2013154 (Subgrant No. K491027) Workforce Investment Act funds in the amount of \$600,000 for the Merced Dislocated Worker Additional Assistance project.

#### Treasurer/Tax Collector

13. Approve and authorize the Chairman to sign Renewal Contract No. 2009011 with Franchise Tax Board for court-ordered Debt Collection program; and re-appoint the Treasurer/Tax Collector as contract administrator.

#### Executive Office

14. Approve travel request received from Human Services Agency as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. Contract with Merced Irrigation District for Utility agreement in relation to the Campus Parkway Project.

**AUTHORIZED CONTRACT NO. 2014190 AS RECOMMENDED AYES: ALL**

16. Contract with Department of Transportation (CALTRANS) for Cooperative Work agreement (2009-10 Federal Funds Lapsing June 30, 2015) for La Grange Road Bridge over Dry Creek Project.

**AUTHORIZED CONTRACT NO. 2014189 AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

17. Authorize Human Services Agency to accept California Work Opportunity and Responsibility to Kids (Cal WORKS) Housing Support Program (HSP) funding of \$516,925 for the period of September 5, 2014 through May 31, 2015; and approve related budget transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

18. Approve Interdepartmental Agreement with Public Health for the services of a Public Health Nurse.

**AUTHORIZED CONTRACT NO. 2014193 AS RECOMMENDED AYES: ALL**

19. Contract with Merced County Office of Education for the services of a Child Development Specialist.

**AUTHORIZED CONTRACT NO. 2014194 AS RECOMMENDED AYES: ALL**

20. Contract with United Way of Merced County for the development of and access to a 2-1-1 Information and Referral database.

**AUTHORIZED CONTRACT NO. 2014195 AS RECOMMENDED AYES: ALL**

21. Authorize Human Services Agency to accept donations from Dignity Health in the amount of \$1,500, from the Community Foundation in the amount of \$2,000, and from the Merced County Office of Education in the amount of \$1,000 in order to offset costs associated with the Hmong Women's Conference event that was held on September 20, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

HEALTH

22. Contract with the Office of Administrative Hearings to provide a Hearing Officer for ambulance service provider license appeals hearings as needed; and approve the related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2014196 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

23. Contract with Livingston Community Health Services, Inc. for implementation of the Integrated Mental Health in Primary Care Settings Program and the Cultural Brokers for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention.

**AUTHORIZED CONTRACT NO. 2014197 AS RECOMMENDED AYES: ALL**

24. Contract with Golden Valley Health Centers for implementation of the Integrated Mental Health in Primary Care Settings Program and the Cultural Brokers for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention.

**AUTHORIZED CONTRACT NO. 2014198 AS RECOMMENDED AYES: ALL**

**PROBATION**

25. Approve the progress report for the Juvenile Justice Crime Prevention Act for FY 2013/2014 and authorize the Chief Probation Officer to submit said report to the Board of State and Community Corrections.

**APPROVED AS RECOMMENDED AYES: ALL**

**FIRE**

26. Contract with Tetra Tech to provide consulting services for the development of a Regional Flood Management Plan for Merced County and the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced.

**AUTHORIZED CONTRACT NO. 2014199 AS RECOMMENDED AYES: ALL**

**TREASURER/TAX COLLECTOR**

27. Contract with the City of Merced to sell tax-defaulted property (APN. 224-020-016-000) to the City of Merced pursuant to Chapter 8 of the Revenue & Taxation Code.

**AUTHORIZED CONTRACT NO. 2014191 AS RECOMMENDED AYES: ALL**

**ADMINISTRATIVE SERVICES**

28. Declare light duty trucks, passenger cars, transit buses, miscellaneous office furniture, assorted office equipment and miscellaneous supplies identified on (Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

**APPROVED AS RECOMMENDED AYES: ALL**

29. Authorize Chairman to allow Administrative Services - Purchasing to use the State of California Telecommunications Multiple Award Contract "CALNET 3" if it is favorable to the County; and authorize the Director of Administrative Services to complete the Authorization To Order forms for CALNET 3 Statewide Contract A and CALNET 3 Statewide Contract B.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

30. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to the Livingston High School for uniforms and equipment.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

31. Treasurer/Tax Collector re: Re-offer and Postponed Tax Defaulted Properties Internet Auction will be held on November 15-18, 2014.
32. Fish and Game Commission re: Continuation of California Notice Register 2014, No. 34-Z, Z2014-0812-07 and Meetings of August 6, 2014 and October 8, 2014, RE: Sport Fishing Regulations for 2015.

33. Dept. of Fish and Wildlife re: Notice of Availability of Negative Declaration for Proposed Amendments to Freshwater Sport Fishing Regulations, Title 14, California Code of Regulations.
34. Mosquito Abatement District re: Manager's Report for September 2014.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF LOUISE THINER, RUTH CONDELL, FLORA MARTINEZ, AND LARRY MORSE, AND ADJOURNED THE MEETING UNTIL TUESDAY, NOVEMBER 25, 2014, AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 4, 2014**

**10:00 A.M. SCHEDULED ITEM**  
**2014-11-04 PUBLIC OPPORTUNITY**

John Scott Grissom comments on paying for an appraisal for the purchase of land at Castle but then the property was not for sale.

Present: O'Banion, Pedrozo, Walsh, Davis, Kelsey